

REMARKS:Status

Claims 40, 42, and 44 to 60 are pending. Claims 40, 50 and 55 are the independent claims and have been amended.

Interview Summary and Related Requests

Applicant's attorneys Dane C. Butzer and Steven Swernofsky conducted a telephonic interview with Examiner Sheila Smith and Supervisory Primary Examiner Joseph Feild on May 18, 2006, at 2:10pm EDT.

During the interview, Applicant's attorneys proposed to amend the independent claims to specify that "routing and switching" by an access point includes determining the customer premises equipment that is a destination for a message. Applicant's attorneys indicated that this language was intended to distinguish the routing and switching by the access point(s) from the scheduling taught by U.S. Patent No. 5,850,593 (Uratani). The Examiners indicated that this would be a "step in the right direction." The Examiners did not indicate or represent that such a change to the claims would necessarily overcome the outstanding claim rejections.

Applicant's attorneys also requested that if the Examiner(s) thought of claim language that would be allowable, the Examiner(s) let Applicant's attorneys know of that language. Applicant's attorneys reiterate this request and encourage the Examiner(s) to do so. Applicant would be willing to amend the claims in any way proposed by the Examiner(s).

Applicant's attorneys also raised the issue of the commercial success of the invention in the market place. Applicant's attorneys request for the Examiner(s) to indicate if evidence of such commercial success would help to overcome the outstanding § 103 rejections, and if so, to indicate what type of evidence would be acceptable to the Examiner(s).

Claim Rejections

Claims 40, 42, and 44 to 60 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,883,884 (Atkinson) in view of U.S. Patent No. 5,850,593 (Uratani) and U.S. Patent No. 6,603,753 (Bedekar).

Amended independent claim 40 recites the following:

40. A method of controlling communication between a base station controller and customer premises equipment, comprising steps of:
selecting, by said base station controller, one or more access points between said base station controller and said customer premises equipment for sending a message;
controlling, by said base station controller, physical parameters and media access control parameters for said one or more access points;
controlling, by said one or more access points, routing and switching of said message to said customer premises equipment, wherein said routing and switching by an access point includes said access point determining that said customer premises equipment is a destination for said message; and
sending said message through said one or more access points from said base station controller to said customer premises equipment.

In the Office Action, Uratani was cited as teaching the step of "controlling, by said one or more access points, routing and switching of said message to said customer premises equipment." According to Applicant's understanding, Uratani's scheduling was read at encompassing this feature. As proposed during the telephonic interview, claim 1 has been amended

to specify that “routing and switching” by an access point includes determining the customer premises equipment that is a destination for a message. Applicant submits that this type of routing and switching is different from the scheduling taught by Uratani.

The other applied references, namely Atkinson and Bedekar, also are not seen by Applicant to teach this type of routing and switching.

In view of the foregoing, claim 40 and its dependent claims are believed to be allowable over the cited art. Such action is respectfully requested.

Independent claims 50 and 55 have been amended similarly to independent claim 40. Accordingly, claims 50, 55, and their dependent claims also are believed to be allowable over the cited art. Such action is respectfully requested.

No Admission

Applicant’s decision not to argue the dependent claims separately is not an admission that the subject matter of those claims is taught by the applied art.

Closing

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner’s earliest convenience.



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Applicant's undersigned attorney can be reached at (614) 205-3241. All
correspondence should continue to be directed to the address indicated below.

Respectfully submitted,

Dane C. Butzer

Dane C. Butzer

Reg. No. 43,521

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Swernofsky Law Group PC
P.O. Box 390013
Mountain View, CA 94039-0013
(650) 947-0700